

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AUBREY AVERY,

Case No. 3:18-CV-0138-MMD-CLB

Plaintiff,

ORDER

v.

McCORMICK, et al.,

Defendants.

On August 10, 2020, plaintiff filed a notice of change of address to High Desert State Prison (“HDSP”) (ECF No. 39). On February 19, 2021, defendants filed a motion for summary judgment (ECF No. 46). According to the certificate of service, defendants claim to have served the plaintiff via CM/ECF at Northern Nevada Correctional Center (“NNCC”) (*Id.* at 20). However, the actual CM/ECF service notification proves that plaintiff was served at HDSP via CM/ECF. (*Id.*) Ten documents have been filed since the notice of change of address was filed and no documents have been returned to sender.

The Nevada Department of Corrections (“NDOC”) website lists plaintiff as paroled from NDOC since approximately October 2020. However, no legal mail has been returned to this court marked “paroled” as is the custom practice for NDOC law librarians. Defendants shall notify the court on or before **Friday, April 30, 2021** if plaintiff is in NDOC custody or has been paroled. If plaintiff has been paroled, defendants shall advise the reason why plaintiff’s legal mail has not been returned to the court from HDSP law library.

In the event plaintiff is no longer in NDOC custody, Pursuant to Local Rule IA 3-1, plaintiff must immediately file with the court written notification of any change of mailing address. Failure to comply with this rule may result in dismissal of this action. If plaintiff has been paroled, he shall have until **Friday, May 28, 2021** to file a notice of change of

1 address or this court will recommend that this action be dismissed.

2 **IT IS SO ORDERED.**

3 DATED: April 14, 2021

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5 UNITED STATES MAGISTRATE JUDGE



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